

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 354 of 1985

Date of decision: 5-9-98

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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UNITED INDIA INSURANCE CO LTD

Versus

ASHOK UMAKANT NARAN DANDVATE  
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Appearance:

MR KF DALAL for Petitioner

None present for Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/09/98

ORAL JUDGEMENT

The claimants -respondent No.1 to 5 filed claim application for compensation of Rs.25,000/- from respondents No.6 and 7 and the appellant herein for the injury suffered by deceased Umakant Naran Dandvate as a result of the vehicular accident involving autorikshaw No.GTH 1088, which occurred on 12th August 1976 at 3.30 p.m. on the public road near cross roads at Rakhial village.

2. Under the impugned award the learned Tribunal has awarded Rs.10,500/- against the claim of Rs.25,000/made by the claimants. Hence this appeal by the Insurance Company before this court. The only contention raised by the learned counsel for the appellant is that the claim application was barred by limitation. The accident had occurred on 12th August, 1976 whereas the claim application was filed on 18th December, 1982.

3. I have given my thoughtful consideration to the submission made by the learned counsel for the appellant. If we go by the aforesaid dates, it is true that there is delay in filing of the claim application before the Tribunal. But the learned counsel for the appellant does not dispute that section 110-A of the Motor Vehicles Act empowers the Tribunal to condone the delay in presentation of claim application in appropriate cases. In view of the aforesaid provision, coupled with the fact that the Motor Vehicles Act provides for statutory third party risk coverage by insurance company, of the claim for compensation for injury or death which resulted in motor vehicle accident, and in view of small and meagre amount of compensation awarded, the finding of fact recorded by the Tribunal on this issue does not call for interference.

4. In the result this appeal fails and the same is dismissed.

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